

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

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GAINES HEARNS,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* * * * *

Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for
petitioner;

Jennifer L. Reynaud, United States Dep't of Justice, Washington, DC, for
respondent.

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* No. 14-669
* Special Master Christian J. Moran
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* Filed: April 27, 2016
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* Attorneys' fees and costs
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UNPUBLISHED DECISION AWARDING
ATTORNEYS' FEES AND COSTS¹

Gaines Hearn was granted compensation through the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa—10 through 34 (2012). Decision, issued October 16, 2015. He now seeks an award of final attorneys' fees and costs and is awarded **\$16,788.29**.

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The present case is similar to other recently decided cases involving the law firm representing this petitioner. In short, the parties did not agree to a reasonable hourly rate for the attorneys representing petitioners in the Vaccine Program and

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

the dispute led to litigation. For a more complete recitation of events, see McCulloch v. Sec'y of Health & Human Servs., No. 09-293V, 2015 WL 5634323 (Fed. Cl. Spec. Mstr. Sept. 1, 2015) and Avchen v. Sec'y of Health & Human Servs., No. 14-279V, 2015 WL 9595415 (Fed. Cl. Spec. Mstr. Dec. 4, 2015).

Mr. Hearn's presently requests an award of \$16,055.40 in attorneys' fees and \$711.65 in attorneys' costs. In compliance with General Order No. 9, petitioner states that he incurred \$21.24, in out-of-pocket litigation expenses while pursuing his claim. The Secretary did not present any specific objections and deferred to the special master's discretion.

Mr. Hearn's is awarded **\$16,788.29** in attorneys' fees and costs. This shall be paid as follows:

- a. \$16,767.05** representing attorneys' fees and costs. The award shall be in the form of a check made payable jointly to petitioner and petitioner's attorney, Ronald Homer, of Conway, Homer & Chin-Caplan, in the amount of **\$16,767.05**; and
- b. \$21.24**, representing petitioner's costs. The award shall be in the form of a check made payable to Gaines Hearn's for **\$21.24**.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.

Any questions may be directed to my law clerk, Dan Hoffman, at (202) 357-6360.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master